

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p> <p>Caroline S. Kim Kim Law Group, P.C. 444 West Ocean Blvd. Ste. 800 Long Beach, CA 90802 Telephone Number: 562-279-7924 Fax Number: 562-279-7925</p> <p><input checked="" type="checkbox"/> Attorney for Debtor(s) <input type="checkbox"/> Debtor(s) appearing without attorney</p>	<p>FOR COURT USE ONLY</p> <div style="border: 1px solid black; padding: 5px; text-align: center;"><p>FILED & ENTERED</p><p>MAR 28 2013</p><p>CLERK U.S. BANKRUPTCY COURT Central District of California BY jle DEPUTY CLERK</p></div>
<p>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA –<u>Los Angeles</u> DIVISION</p>	
<p>In re:</p> <p>John Cerda</p> <p style="text-align: right;">Debtor(s).</p>	<p>CASE NO.:2:12-bk-45254-SK CHAPTER: 13</p>
	<p>ORDER ON MOTION TO AVOID JUNIOR LIEN ON PRINCIPAL RESIDENCE [11 U.S.C. § 506(d)]</p>
	<p>DATE:3/21/2013 TIME:8:30 a.m. COURTROOM: 1575 PLACE:255 East Temple Street</p>

NAME OF CREDITOR HOLDING JUNIOR LIEN: *J.P Morgan Chase Bank (Formally Pinnacle Financial Corporation)*

1. The Motion was: ☒ Opposed ☐ Unopposed ☐ Settled by stipulation
2. The Motion affects the junior trust deed(s), mortgage(s), or other lien(s) encumbering the following real property ("Subject Property"), which is the principal residence of debtor(s):

Street Address: 1026, 1026 ½ and 1028 Watson Ave.
Unit Number:
City, State, Zip Code: Wilmington, CA 90744

Legal description or document recording number (including county of recording):
Lot 11 The Wilmington Tract, Los Angeles County
☐ See attached page.

3. The Subject Property is subject to the following deed(s) of trust, mortgage(s) or other lien(s) in the amounts specified securing the debt against the Subject Property, which will be treated as indicated:

a. Bank of America in the amount of \$ 398,000.00.

b. Chase Bank (Formally Pinnacle Fin. Corp.) in the amount of \$ 99,500.00 ☒ is ☐ is not to be avoided;

c. Name of holder of 3rd lien in the amount of \$ Amount of lien ☐ is ☐ is not to be avoided;

☐ See attached page for any additional encumbrance(s).

4. The motion is:

a. ☐ DENIED ☐ with ☐ without prejudice, on the following grounds:

1. ☐ Based upon the findings and conclusions made on the record at the hearing
2. ☐ Unexcused non-appearance by Movant
3. ☐ Lack of proper service
4. ☐ Lack of evidence supporting motion
5. ☐ Other (specify):

b. ☒ GRANTED on the following terms:

- i. The Subject Property is valued at no more than \$ 250,000.00 based on adequate evidence.
- ii. This avoidance of the respondent's junior lien is effective upon: ☐ completion of the chapter 13 plan, or ☒ receipt of a chapter 13 discharge in this case.
- iii. Before the discharge, no payments are to be made on the secured claim of the junior lienholder; maintenance payments are not to be made.
- iv. The claim of the junior lienholder is to be treated as an unsecured claim and is to be paid through the plan pro rata with all other unsecured claims.
- v. The junior lienholder's claim on the deed of trust, mortgage or lien shall be allowed as a non-priority general unsecured claim in the amount per the filed Proof of Claim. The junior lienholder is not required to, but may file an amended Proof of Claim listing its claim as an unsecured claim to be paid in accordance with the Debtor's chapter 13 plan. If an amended claim is not filed, the Trustee may treat any claim on the debt (secured or unsecured) filed by the junior lienholder as unsecured upon entry of this order.
- vi. The avoidance of the junior lienholder's deed of trust, mortgage or lien is contingent upon: ☐ completion of the chapter 13 plan, or ☒ receipt of a chapter 13 discharge.
- vii. The junior lienholder shall retain its lien in the junior position for the full amount due under the corresponding note and deed of trust, mortgage or lien in the event of either the dismissal of the Debtor's chapter 13 case, the conversion of the Debtor's chapter 13 case to any other chapter under the Bankruptcy Code, or if the Subject Property is sold or refinanced prior to the Debtor's ☐ completion of the chapter 13 plan, or ☒ receipt of a chapter 13 discharge.

- viii. In the event that the holder of the first deed of trust or any senior lien on the Subject Property forecloses on its interest and extinguishes the junior lienholder's lien rights prior to the Debtor's ☐ completion of the chapter 13 plan, or ☒ receipt of a chapter 13 discharge, the junior lienholder's lien shall attach to the proceeds greater than necessary to pay the senior lien, if any, from the foreclosure sale.
- ix. ☐ See attached continuation page for additional provisions.

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Date: March 28, 2013



Sandra R. Klein
United States Bankruptcy Judge

NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled: **ORDER ON MOTION TO AVOID JUNIOR LIEN ON PRINCIPAL RESIDENCE [11 U.S.C. § 506(d)]** was entered on the date indicated as "Entered" on the first page of this judgment or order and will be served in the manner stated below:

1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF) – Pursuant to controlling General Orders and LBRs, the foregoing document was served on the following persons by the court via NEF and hyperlink to the judgment or order. As of (date) 03/28/2013, the following persons are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to receive NEF transmission at the email addresses stated below.

Chapter 13 Trustee, Kathy Dockery: efiling@CH13LA.com
US Trustee, ustregion16.la.ecf@usdoj.gov

☐ Service information continued on attached page

2. SERVED BY THE COURT VIA UNITED STATES MAIL: A copy of this notice and a true copy of this judgment or order was sent by United States mail, first class, postage prepaid, to the following persons and/or entities at the addresses stated below:

Honorable Judge Sandra R. Klein
255 E. Temple Street
Los Angeles, CA 90012

☐ Service information continued on attached page

3. TO BE SERVED BY THE LODGING PARTY: Within 72 hours after receipt of a copy of this judgment or order which bears an "Entered" stamp, the party lodging the judgment or order will serve a complete copy bearing an "Entered" stamp by United States mail, overnight mail, facsimile transmission or email and file a proof of service of the entered order on the following persons and/or entities at the addresses, facsimile transmission numbers, and/or email addresses stated below:

☒ Service information continued on attached page

Ally Financial
200 Renaissance Ctr
Detroit, MI 48243

American Coradius International LLC
2420 Sweet Home Rd Ste. 150
Amherst, NY 14228-2244

American Express
American Express Special Research
Po Box 981540
El Paso, TX 79998

Bank Of America, N.a.
450 American St
Simi Valley, CA 93065

Cap1/bstby
Po Box 5253
Carol Stream, IL 60197

Chase
Po Box 15298
Wilmington, DE 19850

Christian Commnty Cr U
101 S Barranca Ave
Covina, CA 91723

Chrysler Financial/TD Auto Finance
Attention: Bankruptcy
Po Box 860
Roanoke, TX 76262

Dsnb Macys
9111 Duke Blvd
Mason, OH 45040

Gemb/JC Penny
Attention: Bankruptcy
Po Box 103104
Roswell, GA 30076

I L W U Credit Union
1134 N Avalon Blvd
Wilmington, CA 90744

La Curacao
Attn: Legal Dept
1605 W Olympic Blvd Ste 700
Los Angeles, CA 90015

Sears/cbna
Po Box 6282
Sioux Falls, SD 57117

Target Credit Card (TC)
C/O Financial & Retail Services
Mailstop BT P.O. Box 9475
Minneapolis, MN 55440

Triad Financial Corp/Santander
Attn: Bankruptcy Department
Po Box 105255
Atlanta, GA 30348

Victoria's Secret
Attention: Bankruptcy
Po Box 182125
Columbus, OH 43218

Wfnnb/New York & Compa
Attention: Bankruptcy
P.O. Box 182685
Columbus, OH 43218